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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,761	02/05/2002	Athanassios Diacakis	010096	9249

46670 7590 08/24/2005

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EXAMINER	
DUONG, THOMAS	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/068,761	DIACAKIS ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/18/02 - 6/30/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. *Claims 1-41* are rejected under 35 U.S.C. 102(b) as being anticipated by Theimer et al. (US005493692A).

3. With regard to *claims 1, 16, and 35*, Theimer discloses,

- *a presence detection engine for detecting whether the individual is present on at least one communication network; and* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)

  Theimer teaches of *"selectively delivering electronic messages to an identified user in a system of mobile and fixed devices, including multiple display devices and multiple users, where the identity and location of each device, display device, and user may be known to the system, based on the context of the system and the environment of the identified user"* (Theimer, col.4, lines 27-33).

  Theimer teaches of users *"[wearing] 'Active Badges', credit-card-sized devices that emit an infrared identification signal that can be sensed by receivers placed in each room of a building thereby allowing detection of where each user is*

currently located. Active Badges can also be attached to other moving objects, such as portable printers and copiers" (Theimer, col.2, lines 9-14). According to the Theimer invention, *"the system may know, for example, the physical location of a user, what computing devices are available at that location, [and] what other users may be in close proximity to the user"* (Theimer, col.4, lines 16-19). Hence, Theimer teaches of detection of the presence of a user on a particular location or communication network.

- *an availability management engine in communication with the presence detection engine for publishing to the subscriber via a network whether the individual is available on the communication network.* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)
  Theimer teaches *"the Badge Server exports an RPC address and registers it with the Name Service I the step in box 280, so that Poller processes and clients of the Badge Server can find it"* (Theimer, col.20, lines 53-56). In addition, Theimer states *"the Poller provides sighting information to the Badge Service in the step in box 284. The Badge Server updates its location information for the identified badge I the step in box 284, checks for affected callback registrations in the step in box 288, and performs any necessary callbacks to interested clients in the step in box 294"* (Theimer, col.20, lines 58-63). Hence, Theimer anticipates a system that continuingly updating the current location of a user whenever new information is available.

4. With regard to *claims 2-4, 17, and 36,* Theimer discloses,

- *wherein the presence detection engine is for detecting whether the individual is present on a communication network consisting of a public switched telephone network, a computer network, and a wireless communication network.* (Theimer, col.3, lines 29-47; col.5, lines 33-64)

5. With regard to *claims 5-7,* Theimer discloses,

- *wherein the presence detection engine is in communication with a short messaging server center.* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)
- *wherein the presence detection engine is in communication with a gateway GPRS support node (GGSN).* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)
- *wherein the presence detection engine is in communication with a server of a computer network.* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)

6. With regard to *claims 8-9, 18, and 37,* Theimer discloses,

- *wherein the availability management engine is for publishing to the subscriber whether the individual is available on the communication network based on whether the individual is present on the communication network and based on a profile of the individual.* (Theimer, col.4, lines 27-45; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6)

7. With regard to *claims 10-11 and 19-21*, Theimer discloses,

- *wherein the availability management engine is for publishing to the subscriber whether the individual is available on the communication network based on an access level of the subscriber in the profile of the individual.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

8. With regard to *claims 12-15*, Theimer discloses,

- *wherein a plurality of profiles is stored in the database, each profile corresponding to a different situation for the individual.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)
- *wherein a plurality of profiles is stored in the database, each profile corresponding to a different location of the individual.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

9. With regard to *claims 22 and 29*, Theimer discloses,

- *determining presence information of the individual, wherein the presence information includes whether the individual is present on at least one communication network;* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)

  Theimer teaches of *"selectively delivering electronic messages to an identified user in a system of mobile and fixed devices, including multiple display devices*

and multiple users, where the identity and location of each device, display device, and user may be known to the system, based on the context of the system and the environment of the identified user" (Theimer, col.4, lines 27-33). Theimer teaches of users *"[wearing] 'Active Badges', credit-card-sized devices that emit an infrared identification signal that can be sensed by receivers placed in each room of a building thereby allowing detection of where each user is currently located. Active Badges can also be attached to other moving objects, such as portable printers and copiers"* (Theimer, col.2, lines 9-14). According to the Theimer invention, *"the system may know, for example, the physical location of a user, what computing devices are available at that location, [and] what other users may be in close proximity to the user"* (Theimer, col.4, lines 16-19). Hence, Theimer teaches of detection of the presence of a user on a particular location or communication network.

- *determining availability of the individual based on a profile of the individual, wherein the profile includes at least one access level; and* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

  Theimer teaches that *"a user's agent controls access to the user's personal information, as prescribed by the personal preferences and policies known to that agent, and as appropriate to the current circumstances as known by that agent. Other system elements have only such access as is granted by the user's agent"* (Theimer, col.8, lines 6-11). In addition, according to Theimer, the *"information may include: 1) relative static information, such as preferences and policies, 2) modestly dynamic information, such as personal calendar or datebook*

information, and 3) very dynamic information, such as current location and activity" (Theimer, col.8, lines 2-6).

- *publishing via a network the availability of the individual to the subscriber based on the access level of the subscriber and the presence information.* (Theimer, col.2, lines 9-14; col.4, lines 5-45; col.11, lines 32-55; col.12, lines 34-46; col.14, lines 26-38)

  Theimer teaches *"the Badge Server exports an RPC address and registers it with the Name Service I the step in box 280, so that Poller processes and clients of the Badge Server can find it"* (Theimer, col.20, lines 53-56). In addition, Theimer states *"the Poller provides sighting information to the Badge Service in the step in box 284. The Badge Server updates its location information for the identified badge I the step in box 284, checks for affected callback registrations in the step in box 288, and performs any necessary callbacks to interested clients in the step in box 294"* (Theimer, col.20, lines 58-63). Hence, Theimer anticipates a system that continuingly updating the current location of a user whenever new information is available.

10. With regard to <u>*claims 23-24 and 30-31,*</u> Theimer discloses,

- *wherein determining presence information is performed prior to determining availability.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)
- *wherein determining availability is performed prior to determining presence information.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line

54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

11. With regard to *claim 25*, Theimer discloses,

- *wherein determining presence information includes detecting whether the individual is present on a communication network consisting of a public switched telephone network, a computer network, and a wireless communication network.* (Theimer, col.3, lines 29-47; col.5, lines 33-64)

12. With regard to *claims 26-28 and 32-34*, Theimer discloses,

- *determining presence information includes detecting whether the individual is present on a plurality of communication networks; and* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)
- *publishing includes publishing an address to the subscriber for each communication network for which the individual is available based on the access level of the subscriber in the profile of the individual.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

13. With regard to *claims 38-41*, Theimer discloses,

- *wherein the second programmable means is for retrieving the profile of the individual before the first programmable means detects whether the individual is present on the at least one communication network.* (Theimer, col.4, lines 27-45;

col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

- *wherein the second programmable means is for retrieving the profile of the individual after the first programmable means detects whether the individual is present on the at least one communication network.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)
- *wherein the server includes a database and wherein the profile of the individual is stored in the database.* (Theimer, col.4, lines 27-45; col.7, line 61 – col.8, line 11; col.9, line 54 – col.10, line 38; col.13, line 60 – col.14, line 6; col.19, lines 42-64; col.26, lines 36-48)

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Thomas Duong (AU2145)

August 19, 2005

JASON CARDONE
Primary Ex 2145